

Issued May 21, 1913.

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 2348.

(Given pursuant to section 4 of the Food and Drugs Act.)

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#### MISBRANDING OF SOLUBLE CHOCOLATE.

On December 12, 1912, the United States Attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Anthony M. Hance and Edward H. Hance, copartners trading under the firm name of Hance Bros. & White, Philadelphia, Pa., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about October 24, 1911, from the State of Pennsylvania into the State of California, of a quantity of so-called soluble chocolate which was misbranded. The product was labeled in part as follows: "Powdered Extract Chocolate \* \* \* This is a concentrated extract. Made from selected cocoa beans, and as the fatty matter (Cacao Butter) has been extracted, \* \* \* Hance Brothers & White, manufacturing Chemists and Pharmacutists, Philadelphia, No. 2095. Guaranteed by Hance Brothers & White, under the Food and Drugs Act. June 30, 1906." (In large type) "KOKO."

An analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Water (loss at 100° C. in air), 4.08 per cent; ash, total, 4.80 per cent; ash, insoluble in water, 3.28 per cent; alkalinity of water-soluble ash (cc N/10 acid per gram), 1.43; protein (N.  $\times$  6.25), 20.39 per cent; fat (petrol-ic ether extract), 27.38 per cent; crude fiber, 4.10 per cent. Microscope: No adulteration detected. Product is a ground cocoa and not a chocolate. Misbranding of the product was alleged in the information for the reason that it was labeled and branded so as to deceive and mislead the purchaser thereof, being labeled as set forth

above, wherein and whereby said product was represented to be and purported to be a powdered extract chocolate, whereas, in truth and in fact, it was not so, but was ordinary cocoa; and for the further reason that by the statement aforesaid contained on the principal label set forth above, the product purported and represented to be a powdered extract chocolate with the cocoa butter extracted, whereas, in truth and in fact, it was not so, but was an ordinary cocoa without said cocoa butter having been extracted.

On December 12, 1912, the defendants entered a plea of non vult contendere and the court imposed a fine of \$10. The case was reported for prosecution upon a charge of adulteration also.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *March 19, 1913.*

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